

## **REMARKS**

Claims 1-31 are pending. Claims 13, 16-20, 23 and 26-31 are withdrawn.

Claims 11, 12, 14, 15, 21, 22, 24, and 25 stand rejected.

Claims 11, 14, 15, 21, 22, and 24 have been amended.

### **Claim Rejections - 35 U.S.C. § 112**

Claims 11, 12, 14, 15, 21, 22, 24, and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 21 have been amended to specifically identify the referenced nodes.

Applicants respectfully request withdrawal of the rejections.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 11, 12, 14, 15, 21, 22, 24, and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,466,918 issued to Spiegel et al. (referred to herein as “*Spiegel*”). Applicants respectfully traverse the rejection.

*Spiegel* is directed to “identifying popular nodes within a browse tree or other hierarchical browse structure based on historical actions of online users, and for calling such nodes to the attention of users during navigation of the browse tree.” *Spiegel*, Abstract. *Spiegel* further teaches that “[n]odes that are determined to be the “most popular” are automatically elevated for display or “featured” (as described below) at higher levels of the tree.” *Id.*, col. 6, lines 11-14.

In contrast to the teachings of *Spiegel*, Claims 11 and 21 recite “generating, from a primary hierarchy of items, a plurality of custom browse hierarchies”, wherein “the custom browse hierarchy represents a pared version of the primary hierarchy.” *Spiegel* teaches that “elevating popular nodes preferably involves copying, as opposed to moving, the nodes to higher levels of the tree.” *Spiegel*, col. 7, lines 46-48. “In other embodiments, the nodes may actually be moved within the browse tree.” *Id.*, lines 48-50. Thus, assuming *arguendo* that the nodes in

the browse tree represent a primary hierarchy, *Spiegel* teaches that “popular nodes” are either ‘copied’ or ‘moved’. There is no paring of the primary hierarchy, thus, *Spiegel* fails to teach or suggest that a “custom browse hierarchy represents a pared version of the primary hierarchy.”

Furthermore, the identification of the “popular nodes” involves “various popularity criteria [ ] incorporated into a scoring algorithm which is used to generate a popularity score for each node that is a candidate for elevation.” *Spiegel*, col. 2, lines 37-40. “These scores are then used to elevate the nodes within the tree.” *Id.*, lines 40-41. Thus, the ‘rules’ used to modify the browse tree involve a popularity score. In contrast to the teachings and suggestions of *Spiegel*, Claims 11 and 21 recite “establishing a set of rules for the primary hierarchy, wherein each rule in the set of rules is associated with one of the leaf nodes and each ancestor node, if any, of the leaf node, and each rule comprises an aggregation of constraints specified by the leaf node and each ancestor node, if any, of the leaf node, wherein the constraints of each leaf node and each ancestor node, if any, of the leaf node in the aggregation of constraints are logically ANDed together.” Claims 11 and 21.

Furthermore in teaching the use of popularity scores to modify the browse tree, *Spiegel* fails to teach ‘the use of the rules established for the primary hierarchy’ in generating the custom browse hierarchy. More specifically, *Spiegel* fails to teach or suggest “identifying a rule subset of the set of rules, wherein each rule in the rule subset **has constraints that are met by at least one of the items in the unique subset of items**” and for each leaf node in the primary hierarchy, including the leaf node from the primary hierarchy in the custom browse hierarchy if the rule associated with the leaf node is included in the subset of rules and excluding the leaf node from the custom browse hierarchy if the rule associated with the leaf node is not included in the subset of rules.” Claims 11 and 21.

Furthermore, *Spiegel* fails to teach or suggest “for each ancestor node in the primary hierarchy, including the ancestor node from the primary hierarchy if at least one leaf node of the ancestor node is included in the custom browse hierarchy and otherwise excluding the ancestor node from the custom browse hierarchy.” *Id.*

Thus, *Spiegel* fails to teach or suggest that “the custom browse hierarchy is represented by all the included leaf nodes and included ancestor nodes, if any, of the primary hierarchy and the custom browse hierarchy represents a pared version of the primary hierarchy.” *Id.*

Accordingly, Applicants respectfully request withdrawal of the rejections of Claims 11 and 21. For at least the same reasons, Applicants also request withdrawal of the rejections of the Claims directly or indirectly depending on Claims 11 and 21.

### **CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

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Respectfully submitted,

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